

On motion of Mr. Kemble, the pending matter was postponed temporarily, and Senate bill No. 218, "An act to maintain and establish a system of public free schools in the State of Texas," was taken up.

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The following veto message of his Excellency the Governor was read and ordered spread upon the journals:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, May 6, 1873. }

*Hon. E. B. Picket, President of the Senate:*

SIR: I return to the Senate the act entitled "An act to establish and maintain a system of public free schools in the State of Texas," and I ask that it be reconsidered with reference to the following, among others, in my opinion, very serious objections thereto:

1. The Constitution, article nine, section four, directs the Legislature to "establish a uniform system of public free schools throughout the State;" but this act, though it proposes in its title to establish such "a system," in reality does away with all system. It gives, in section eighteen, authority to the county boards to "define the course of study in the public schools in their respective counties, and direct the class and kind of school books and apparatus to be used therein," and to "prescribe the duties of the trustees and teachers." These powers embrace pretty much everything that is essential to a system of schools, and it is plain that under them, instead of having one system for the State, we may have as many as there are organized counties, or, say one hundred and thirty-five systems.

2. It further strikes at uniformity of system by dispensing with the Board of Education for the State. Such, or a similar board having supervisory control and direction of the schools, has been found essential to their uniformity and success, in all States, both American and foreign, where the public schools have reached the greatest perfection.

A board of education with powers analogous to those created by the law in force is not a new thing in this State. It was provided for in the provisional Constitution of 1866, article ten, section ten.

3. It provides (section twenty-two) that the schools shall only remain open four months annually. This provision alone will, if adopted, put an end to the public schools on a scale of efficiency and permanency in any respect worthy of our State.

It is obvious that well qualified teachers cannot be had at a reasonable compensation to give their services for so short a period annually. Persons who devote themselves

to teaching as a life profession (and if possible such persons only should be employed in teaching) cannot and will not accept employment of this temporary nature. As a consequence professional and competent teachers who remain in the State will be driven to take private schools, and the public schools, now so creditable in their results, must soon, from inefficiency, lose the respect and patronage of the people and fall into disuse. Public schools should be superior to private as a means of education.

In all States where the public system has been successful, this result has been brought about mainly by raising them to so high a standard that private schools of equal grade cannot favorably compare with them. Where this has been the case, private schools have disappeared. But to secure their favor, it must be made apparent to the people that the public schools are worthy of their respect. Now, in this act, aside from the four months' limitation, the whole system looks to a very inferior grade of school; in fact, it seems to aspire only to that sort. For instance, in section twenty-five will be seen the qualifications deemed sufficient for a teacher in a public school. Those qualifications are even less than are required under the present system for the third class teachers. Such a provision would alone bring the system (or rather unsystem) into contempt. It is an admission that all Texas considers herself capable of is the establishment, for a few weeks annually, of primary schools. But even of these very limited qualifications for our teachers, the county superintendents, whose accomplishments nobody is responsible for, are to be the judges. What then may be expected?

4. The expenses attending the county organization under this act, and multiplicity of officers it creates, should be noted. There is to be for each county a county board of five directors, which for the first year is calculated to cost each county five hundred and twenty dollars, or for the whole State upwards of \$70,000. These boards are intended, in a vague and ineffective sort of way, to take the place of the present supervisors and inspectors. They cannot, it is clear, perform the duties of those officers, but they cost more—the supervisors and principals, the latter then doing the duties of the present inspectors, having cost for the last scholastic year but \$65,810.72. It must also be remembered that this was the

cost of supervisors and principals for ten months, while the above cost of the county boards is for only four months. But in addition to these county boards there is an army of school trustees provided. These cannot be less than fifteen, and may be many more for each county. In this respect it is quite remarkable that while the county boards, which have little or nothing to do, are paid at the rate of four dollars each per day, the trustees, who, if they do their duty, will find their time pretty much engaged for the whole scholastic year, are to be paid nothing. It will be interesting to compare the importance of the duties to be required of the unpaid trustees, in section twenty-two and elsewhere, with those required of the paid county boards. The main business of the latter seems to be that of keeping the former busily at work. It is scarcely necessary to remark, that in no county of the State will fifteen honest and competent persons be found willing to attend without pay to the duties required of these trustees.

5. The act repeals all previous acts, thus repealing the taxes assessed under those laws. It is true the repealing section (thirty-six) proposes not to affect the legal liability of any one for taxes "claimed to be due" under those acts for the year 1871, but the taxes under the act of April 24, 1871, are nearly or quite altogether due for 1872 and 1873. In the most of the counties the first year's assessment did not go into effect until 1872. Thus it would happen that in counties where the wealthy have taken advantage of the law's delay, the poor and people of moderate means who have paid their school taxes would find their rich neighbors given, by this, an unfair advantage. Direct encouragement would thus be offered to those who have evaded their share of the burden, to the great detriment of the schools and injury of the teachers, whose pay has been thereby wrongfully withheld.

The foregoing are sufficient, and perhaps the most vital defects of the act; but I might point out others that probably have been overlooked in the haste of legislation; such as the requirements in sections four and five, and elsewhere, that the Superintendent shall give good advice and instruction to teachers, county superintendents and other school officers. The Superintendent is required by the act to do a great deal of this; enough (when we consider that the teachers and officers to be advised and instructed

will probably number six or eight thousand), to employ actively a score or two of clerks, but he is limited to the assistance of one clerk only. It may be said, however, that no great harm can occur, even if the Superintendent does not engage in this expensive correspondence, as he is made a sort of figure head by this act; none of those to whom he offers his advice and instructions need, for anything in the contrary, vouchsafe the least respect to his wishes or opinions.

In conclusion, I ask to be permitted to refer, with all respect, to a remark contained in my message at the opening of the session. On the subject of public schools it was there said: "While, then, we have an evidence which has so clearly demonstrated its practical efficiency for the purpose in view at its foundation, I respectfully suggest that it had better not be torn down to make way for the experiments of some theorist." I had then in view the possibility now realized in this act of legislation. We have had a system under way for two years, and the people have become accustomed to it. It should therefore be amended, if amendments are necessary; and in that message I suggested some which I thought might properly be made. But it is not sound policy to destroy it and substitute something entirely new and untried. The worst system or law for any people is a changeable one. This Legislature proposes totally to ignore the work of the last, and establish something of its own special devising. The next Legislature may apply the same rule to the work done by this, and so to the end.

Very respectfully,

EDMUND J. DAVIS, Governor.

Mr. Speaker in the chair.

Mr. Ireland moved the previous question, which was seconded, and the main question ordered.

The bill then passed, notwithstanding the objections of his Excellency the Governor, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne,

Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—68.

Nays—Messrs. Green, Mabry, Mills, Moore, Phelps Roberts, Washington and Williams—8.

On motion of Mr. Denton, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Abbott, Bewley, Booty, Ellett, Hollingsworth, Payne, Powers, Salter, Sayers, Schmidt, Storey.

On motion of Mr. Carroll, the special order, known as the Agricultural and Mechanical College bill, was laid on the table, subject to call.

On motion of Mr. Kemble, the unfinished business of yesterday evening, being a concurrent resolution in relation to the scholastic census takers, was resumed. The resolution was adopted.

On motion of Mr. Ireland, three thousand copies of Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," were ordered printed for general distribution.